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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,394	07/30/2001	Gaurav Mittal	NC25896	9973

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EXAMINER

VUONG, QUOCHIE B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,394

Applicant(s)

MITTAL, GAURAV

Examiner

Quochien B Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to applicant's response filed on 08/01/03. Claims 1-20 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansson (U.S. 6,023,620).

As to claims 1, 13, Hansson discloses in a radio communication system having a network part that at least communicates data messages generated at a data message service center (100, 120) to a mobile station 110 operable in the radio communication system, the mobile station operable pursuant to at least a first operational parameter, an improvement of network-part apparatus for facilitating downloading of a value defining the at least the first operational parameter pursuant to which the mobile station is operable, said apparatus comprising: a download-operational-parameter initiation signal generator coupled to receive an indication of a request to download the value defining the at least one operational parameter to the mobile station (see column 2 lines 10-15,

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lines 41-67; column 3 lines 25-50), said download-operational-parameter initiation signal generator for generating an initiation signal for communication to the data message service center to initiate downloading of the value defining the at least the first operational parameter to the mobile station (see column 2 lines 10-15, lines 41-67; column 3 lines 25-50); and a download-parameter request signal generator positioned at the data message service center, said download-parameter request signal generator for generating a data-message request for communication to the mobile station, the data-message request requesting initiation of the downloading (see column 2 lines 10-15, lines 41-67; column 3 lines 25-50).

As to claims 2, 14, Hansson discloses that the radio communication system provides for SMS (Short Message Service) message communication, wherein the data message service center comprises an SMS service center, and wherein said download-parameter request signal generator is positioned at the SMS service center (see column 3 lines 25-39, lines 51-65).

As to claim 3, Hansson discloses that the data-message request generated by said download-parameter request signal generator comprises an SMS message for communication to the mobile station center (see column 3 lines 25-39, lines 51-65).

As to claims 4, 15, Hansson discloses a data message request detector coupled to receive indications of the data message request generated by said download-parameter request signal generator, said data message request detector for detecting the data message request requesting the initiating of the downloading (see column 2 lines 41-67).

As to claims 5, 16, Hansson discloses that the mobile-station further comprises: a data call initiator coupled to said data message request detector, said data call initiator operable responsive to detection by said data message request detector of the data message request to initiate a data connection between the mobile station and the node-device coupled to the network part and identified in the data message request (see column 2 lines 56-67; column 3 line 40 to column 4 line 14).

As to claims 6, 17, Hansson discloses that said node-device apparatus comprising: a data call connector operable responsive to initiation by said data call connection initiator of the data call connection, said data call connector for completing the data call connection between the node-device and the mobile station (see column 2 lines 56-67; column 3 line 40 to column 4 line 14).

As to claims 7, 18, Hansson discloses an operational parameter value provider coupled to said data call connector, said operational parameter value provider for providing the value of the at least the first operational parameter to the mobile station subsequent to completion of the data call between the node-device and the mobile station (see column 3 line 51 to column 4 line 6).

As to claim 8, Hansson discloses that said data call initiator further comprises a data call status reporter operable at least responsive to successful downloading of the value of the at least the first operational parameter provided to the mobile station by said operational parameter value provider to report the successful downloading of the value to the mobile station (see column 3 lines 5-24; column 4 lines 50-54).

As to claims 9, 19, Hansson discloses that said data call status reporter further determines whether the downloading of the value of the at least the first operational parameter to the mobile station is successful (see column 3 lines 5-24; column 4 lines 50-54).

As to claims 10, 20, Hansson discloses that said data call connector further terminates the data call connection subsequent to the report made by said data call status reporter (see column 4 lines 50-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Valentine (U.S. 6,018,654).

As to claim 11, Hansson fails to disclose authenticating the mobile station prior to completion of the data call between the node-device and the mobile station as recited in the claim. Valentine discloses authenticating the mobile station prior to completion of the data call between the node-device and the mobile station (see column 2 line 44 to column 3 line 5). Therefore, it would have been obvious to one of ordinary skill in the

art at the time of the invention to provide the above teaching of Valentine to Hansson, so that only authorized mobile stations are allowed to receive the downloaded parameters.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson.

As to claim 12, Hansson fails to disclose a packet data network as claimed. Such a packet data network, however, is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above conventional packet data network to Hansson, in order to have a reliable way of transmitting updated parameters to the mobile stations.

Response to Arguments

6. Applicant's arguments filed 08/01/03 have been fully considered but they are not persuasive.

Regarding claims 1 and 13, Applicant argues that Hansson (US 6,023,620) fails to disclose a network apparatus comprising two entities that include a download operational parameter initiation signal generator and a download parameter request signal generator. The examiner, however, does not agree with the Applicant. The Applicant's attention is directed to Hansson (column 2, lines 10-15, 41-67; and column 3, lines 25-50) which discloses a network apparatus comprising two entities that include a download operational parameter initiation signal generator (update server processor

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100) and a download parameter request signal generator (Short Message Services center of the cellular telephone network 120) upon receipt of the initiation signal (from the update server processor 100) generates a data message request for communication to the mobile station (column 3, lines 25-39).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA 22202. Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong
Oct. 09, 2003.